



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: FOO - 174921

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed on June 10, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services regarding FoodShare benefits (FS), a hearing was held on July 20, 2016, by telephone.

The issue for determination is whether the agency erred by adding petitioner to his housemate's case rather than opening his own FS case.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]

La Crosse County Department of Human Services  
300 N. 4th Street  
PO Box 4002  
La Crosse, WI 54601

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Vernon County.
2. Petitioner applied for FS.

3. Petitioner shares a household with [REDACTED]
4. During a review, the agency determined that petitioner purchases and prepares meals with [REDACTED]
5. For this reason, the agency did not open a FS case for petitioner but instead added petitioner to [REDACTED] case.
6. Petitioner appealed.

### **DISCUSSION**

If household members purchase and prepare meals together they must be part of the same FS case. Petitioner stated at hearing that he does not purchase and prepare with [REDACTED]. The agency had no information to dispute that contention. The change was made based on the agency's interpretations of certain answers to questions during the interview. Petitioner explained that he stated that they share food "on occasion" but that it is not the regular pattern. The agency's determination based on the representation was not error, and I will not overturn it as I would require more corroboration of that fact than I have.

At hearing, the parties agreed that petitioner could visit his agency and provide a statement from [REDACTED] supporting his contention that they do not purchase and prepare food together. When he does that, the agency would review the facts with petitioner and make a redetermination. But, petitioner must visit his agency in order to clarify these facts with them.

### **CONCLUSIONS OF LAW**

The petitioner must provide some clarification to the agency to establish that he and [REDACTED] purchase and prepare food separately.

**THEREFORE, it is**

### **ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 3rd day of August, 2016

\s\_\_\_\_\_  
John P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 3, 2016.

La Crosse County Department of Human Services  
Division of Health Care Access and Accountability